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Filing date: **05/24/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197584
Party	Plaintiff Johnson & Johnson
Correspondence Address	MARY PAT WEYBACK DRINKER BIDDLE AND REATH LLP 1500 K STREET NW WASHINGTON, DC 20005-1209 UNITED STATES darren.cahr@dbr.com, jeffrey.baravetto@dbr.com, nancy.martinez-curtin@dbr.com, tmlitdocket@dbr.com
Submission	Plaintiff's Notice of Reliance
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Signature	/Jaye S Campbell/
Date	05/24/2013
Attachments	Notice of Reliance - POSITIVELY AGELESS Registration.pdf(159188 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Ser. No. 79/061,192 - ^{POSITIVE}ageing
Published July 27, 2010

JOHNSON & JOHNSON, _____ :

Opposer, :

v. :

Opposition No. 91-197584

VALENTINO GITTO , _____ :

Applicant. _____ :

NOTICE OF RELIANCE

Pursuant to 37 C.F.R. § 2.122(d)(2) and T.B.M.P. 704.03(b)(1)(A), Opposer Johnson & Johnson hereby gives notice that it is relying its subsisting registration, Reg. No. 3,605,906 – POSITIVELY AGELESS. Accompanying this Notice of Reliance is a copy of Opposer's registration certificate printed from the United States Patent and Trademark Office Trademark Status and Document Retrieval electronic database records ("TSDR") and a current printout of information from TSDR showing current status and title of the registration, all of the foregoing Opposer hereby makes of record in this proceeding.

Dated: May 24, 2013

Respectfully submitted,

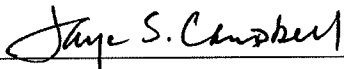
By: Jaye S. Campbell
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF RELIANCE was served by international mail, first class, postage prepaid, this 24th day of May 2013:

Valentino Gitto
147 Route de Saint Pierre de Feric
F-06000 Nice
France

An additional courtesy copy was sent via electronic mail to valentin_gitto@yahoo.fr



Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 3,605,906

United States Patent and Trademark Office

Registered Apr. 14, 2009

**TRADEMARK
PRINCIPAL REGISTER**

POSITIVELY AGELESS

JOHNSON & JOHNSON (NEW JERSEY CORPORATION)
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 089337001

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: SKIN CARE PREPARATIONS, NAMELY, SKIN CLEANSERS, SKIN MOISTURIZERS, SKIN CREAMS AND SERUMS, EYE CREAMS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SER. NO. 77-566,269, FILED 9-10-2008.

FIRST USE 5-4-2007; IN COMMERCE 5-4-2007.

FLORENTINA BLANDU, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2013-05-24 09:14:04 EDT

Mark: POSITIVELY AGELESS

POSITIVELY AGELESS

US Serial Number: 77566269
US Registration Number: 3605906
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 14, 2009
Publication Date: Jan. 27, 2009

Application Filing Date: Sep. 10, 2008
Registration Date: Apr. 14, 2009

Mark Information

Mark Literal Elements: POSITIVELY AGELESS
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: skin care preparations, namely, skin cleansers, skin moisturizers, skin creams and serums, eye creams

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: May 04, 2007

Use in Commerce: May 04, 2007

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Johnson & Johnson
Owner Address: One Johnson & Johnson Plaza
New Brunswick, NEW JERSEY 089337001
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NEW JERSEY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard F. Biribauer

Correspondent

Correspondent Name/Address: RICHARD F. BIRIBAUER
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UNITED STATES

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Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 14, 2009	REGISTERED-PRINCIPAL REGISTER	
Jan. 27, 2009	PUBLISHED FOR OPPOSITION	
Jan. 07, 2009	NOTICE OF PUBLICATION	
Dec. 22, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Dec. 22, 2008	ASSIGNED TO LIE	70633
Dec. 12, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 11, 2008	ASSIGNED TO EXAMINER	73360
Sep. 15, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 14, 2009

Proceedings**Summary**

Number of Proceedings: 1

Type of Proceeding: OppositionProceeding Number: 91197584

Filing Date: Nov 24, 2010

Status: Pending

Status Date: Nov 24, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

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Mark	Application Status	Serial Number	Registration Number
POSITIVE AGEING	Opposition Pending Plaintiff(s)	<u>79061192</u>	

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Mark	Application Status	Serial Number	Registration Number
POSITIVELY AGELESS	Registered	<u>77566269</u>	<u>3605906</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 24, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 27, 2010	Jan 06, 2011
3	PENDING, INSTITUTED	Nov 27, 2010	
4	NOTICE OF DEFAULT	Jan 26, 2011	
5	D RESP TO BD ORDER/INQUIRY	Feb 15, 2011	

6	TRIAL DATES RESET	Feb 24, 2011
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 20, 2011
8	SUSPENDED	Sep 20, 2011
9	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011
10	SUSPENDED	Dec 19, 2011
11	P MOT FOR EXT W/ CONSENT	Feb 17, 2012
12	EXTENSION OF TIME GRANTED	Feb 17, 2012
13	P MOT FOR EXT W/ CONSENT	May 30, 2012
14	EXTENSION OF TIME GRANTED	May 30, 2012
15	P MOT FOR EXT W/ CONSENT	Jul 30, 2012
16	EXTENSION OF TIME GRANTED	Jul 30, 2012
17	P MOT FOR EXT W/ CONSENT	Oct 08, 2012
18	EXTENSION OF TIME GRANTED	Oct 08, 2012
19	P MOT FOR EXT W/ CONSENT	Jan 08, 2013
20	EXTENSION OF TIME GRANTED	Jan 08, 2013